DCLU		Director's Rule x-01
Applicant: CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	**Publication:** **Effective:**	**Supersedes:** None
Subject: **Clarification of State Environmental Policy Act (SEPA) Plants and Animals Policy concerning exceptional trees; and designation of Heritage Trees under the Tree Protection Chapter (25.11) of the Seattle Municipal Code**	Code and Section Reference Chapter 25.05.675 N, SMC Chapter 25.11, SMC	
Approved Date	**Type of Rule:** **Code Interpretation**	
Index:	**Ordinance Authority:** **SMC**	

PURPOSE

The purpose of this rule is to clarify the SEPA Plants and Animals Policy (Seattle Municipal Code Section 25.05.675 N 2c.) for the purpose of determining the value of exceptional trees on sites undergoing environmental review in order to establish appropriate tree protection mitigating measures. This rule also establishes a procedure for identifying Heritage Trees pursuant to SMC Chapter 25.11.

BACKGROUND

The Seattle Ordinance which implements the State Environmental Policy Act (SEPA), Chapter 25.05, Seattle Municipal Code (SMC) authorizes the Department of Design, Construction and Land Use (DCLU) to grant, condition or deny construction and use permit applications for public or private proposals which are subject to environmental review. This authority must be exercised based on adopted City policies, plans, rules or regulations set forth in Chapter 25.05, SMC.

The SEPA language addressing vegetation and tree protection under Plants and Animals reads:

SMC25.05.675 N.2a.

It is the City's policy to minimize or prevent the loss of wildlife habitat and other vegetation which have substantial aesthetic, educational, ecological, and/or economic value.

SMC25.05.675 N.2c.

When the decisionmaker finds that a proposed project would reduce or damage rare, uncommon, unique or exceptional plant or wildlife habitat, wildlife travelways, or habitat diversity for species (plants or animals)of substantial aesthetic, educational, ecological or economic value, the decision maker may condition or deny the project to mitigate its adverse impacts. Such conditioning or denial is permitted whether or not the project meets the criteria of the Overview Policy set forth in SMC Section25.05.665; provided, that for any project subject to the City's Shoreline Master Program, the Overview Policy set forth in SMC Section 25.05.665 shall apply.

SMC25.05.675 N.2d.

Mitigating measures may include but are not limited to:

- *i. Relocation of the project on the site;*
- *ii. Reducing the size or scale of the project;*
- *iii. Preservation of specific on-site habitats, such as trees or vegetated areas;*
- *iv. Limitations on the uses allowed on the site;*
- *v. Limitations on times of operation during periods %%%%%%%nt to the affected species (i.e., spawning season, mating season, etc.); and*
- *vi. Landscaping and/or retention of existing vegetation.*

Chapter 25.11 provides means for protecting exceptional trees in Seattle, especially on sites undergoing development. These trees are designated as Heritage Trees and this rule defines these trees and provides a standards and procedures for their determination.

RULE

The policy (SMC25.05.675 N.2c.) calls for protecting three categories of trees and/or vegetation where development would reduced or damage:

1. Rare, uncommon, unique or exceptional plant or wildlife habitat; or
2. Wildlife travelways; or
3. Habitat diversity for species (plants or animals) of substantial aesthetic, educational, ecological or economic value

This rule identifies trees that should be considered under the first and third categories, listed above, during environmental assessment of development applications.

The following criteria shall be used to establish the importance of individual trees in the urban environment:

- Tree condition and/or location is not injurious to the public health, safety and welfare; and
- Tree can be expected to remain alive and healthy for a minimum of 20 additional years; and
- Tree qualifies as a Heritage Tree as described below.

HERITAGE TREE DESIGNATION:

A Heritage Tree is a tree that:

1. Is designated by PlantAmnesty in partnership with the City of Seattle as a Class AAA-1 Heritage Tree; or

2. Is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, and/or age as determined by one of the following two methods depending upon whether it is a non-native or native tree:

Non-native Trees

Non-native trees that are 75% of percent of the American Forestry Association (AFA) rating for the largest trees of each species in the state, as noted in Champion Trees of Washington, by Robert Van Pelt. AFA ratings are based on a tree's circumference (or diameter), height, and crown spread.

Native Trees

Native species are grouped in three categories: 1) trees that never need be saved, 2) trees that should always be saved, and 3) trees that should be saved depending on several factors discussed below. The three categories are based on the following factors:

- relative and actual abundance
- habitat, usual and exceptional
- lifespan (especially if notably short or long)
- reproductive rate (especially if extraordinarily low)
- exceptional trunk sizes and heights
- prevalent judgement as to ornamental value
- post-construction lifespan and safety near buildings and people

Common, short-lived “weedy” species not worth saving (4):

Red ALDER
Bitter CHERRY
Black COTTONWOOD
Pacific Black WILLOW

Rare species worth saving in all cases (12):

Sitka ALDER
Quaking ASPEN
Paper BIRCH
Black HAWTHORN
Dwarf or Rocky Mountain MAPLE
Oregon White or Garry OAK
Lodgepole / Shore PINE
Sitka SPRUCE
Geyer WILLOW
Mackenzie WILLOW
Hooker Pussy-WILLOW
Pacific YEW

Species sometimes worth saving (16):

Species	**Threshold Diameter**
Pacific Crab-APPLE	1’0”
Oregon ASH	3’0”
CASCARA	10”
Western Red CEDAR	4’0”
Pacific DOGWOOD	6”
Douglas FIR	3’0”
Grand FIR	2’0”
Western HEMLOCK	2’0”
MADRONA	*
Bigleaf MAPLE	4’6”
Vine MAPLE	5”
Western White PINE	2’0”
Western SERVICEBERRY	5”
Piper Pussy-WILLOW	8”
Scouler Pussy-WILLOW	1’8”
Sitka Pussy-WILLOW	5”

* Healthy young specimens on construction sites are more worth saving than are old, large ones. As many specimens as possible in very good condition—regardless of size—should be preserved on construction sites, but

they should not be watered or are more likely to decline and die. Requiring large specimens of average or poor health to be preserved is likely to result in a short lifespan because of damage during construction and to post-construction practices such as irrigation—harmful to this species.

PROCEDURE FOR DETERMINATION OF "HERITAGE TREE"

Non-native Trees

For projects that do not require Design Review, SEPA, subdivisions or short plats, applicants are only required to indicate those trees that have a diameter of 75% of the diameter of the Champion Tree of Washington**. Then a report by a tree professional would be required to determine it's height and crown spread to see if it meets the overall requirement of 75% of the Champion Tree's AFA points. The tree professional would also need to determine whether or not the tree presents a hazard and whether or not it would be able to survive after construction occurs.

Native Trees

For projects that do not require Design Review, SEPA, subdivisions or short plats, applicants are only required to indicate those trees that are in the "Always to be saved" category or have a diameter equal to or greater than the "Threshold Diameter" noted above for the "Sometimes to be saved" catgegory**. Then the tree's significance would be determined by a tree professional based on the following factors: the tree's height and crown spread, tree condition, precise location, and likelihood of surviving construction damage and remaining a save healthy specimen for years.

**Projects that require Design Review, SEPA, subdivisions or short plats, must indicate on site plans all trees greater than six (6) inches in diameter measured four and one-half feet above the ground.

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Sources:

Native Seattle Trees and their Status, January 2001, by Arthur Lee Jacobson.
Champion Trees of Washington, 1996, by Robert Van Pelt